

EXHIBIT 1

Elizabeth G. Eager

From: Elizabeth G. Eager
Sent: Monday, October 11, 2010 3:23 PM
To: Elizabeth G. Eager; 'Elias, Brad'; 'afrackman@omm.com'
Cc: Steven J. Rosenwasser
Subject: RE: TASER/ BAS and ML Confidentiality Designations

Andy and Brad,

We can extend the deadline for you responding to us regarding the email below until 3:30 PM tomorrow.

For clarity, as to this and yesterday's communication, Plaintiffs continue to object to the removal and take the position that remand is proper. Plaintiffs are simply communicating now to avoid further delay, and this communication is not a waiver of our motion seeking remand.

Liz

From: Elizabeth G. Eager
Sent: Sunday, October 10, 2010 2:50 PM
To: 'Elias, Brad'; 'afrackman@omm.com'
Cc: Steven J. Rosenwasser
Subject: TASER/ BAS and ML Confidentiality Designations

Andy and Brad,

Plaintiffs request you remove your confidentiality designations from the following documents:

BAS-TSINTL-28 and
BAS and ML's Privilege Logs
ML-TASR0063229
ML-TASR0063231

Plaintiffs anticipate filing a pleading that may include the referenced documents. As we explained at the 26(f) conference, we understand that Judge Forrester permits filings under seal in only the most narrow circumstances (e.g., a social security number, account number, or trade secret). Please let us know by tomorrow at 5 PM if you agree to remove your confidentiality designations.

Thanks,
Liz

Elizabeth G. Eager

From: Steven J. Rosenwasser
Sent: Monday, October 11, 2010 12:09 PM
To: 'Frackman, Andrew'; Elizabeth G. Eager; 'Elias, Brad'
Cc: Nicole G. Iannarone; 'Richard Sinkfield'
Subject: RE: TASER/ BAS and ML Confidentiality Designations

Andy,

We await your response, if any, to our question of whether you will remove the confidentiality designation from the roughly 5 documents we identified.

Richard, with respect to your question, these are documents produced by BAS and ML documents, and thus I believe they can provide you with copies. If that is incorrect, please let me know.

Thanks,

Steven

From: Frackman, Andrew [mailto:AFrackman@OMM.com]
Sent: Monday, October 11, 2010 12:05 PM
To: Steven J. Rosenwasser; Elizabeth G. Eager; Elias, Brad
Cc: Nicole G. Iannarone; Richard Sinkfield
Subject: RE: TASER/ BAS and ML Confidentiality Designations

What motion?

From: Steven J. Rosenwasser [mailto:rosenwasser@bmelaw.com]
Sent: Monday, October 11, 2010 11:41 AM
To: Frackman, Andrew; Elizabeth G. Eager; Elias, Brad
Cc: Nicole G. Iannarone; Richard Sinkfield
Subject: RE: TASER/ BAS and ML Confidentiality Designations

Andy,

We disagree with your characterization as to our motives. We believe that it is appropriate for us to file a motion now, and cannot let improper confidentiality designations dictate when we should file motions. Indeed, this is one of the problems we have with improper designations and why we moved to have them removed.

Regardless, we are talking about a handful of documents (I believe 5), and you or one of the other lawyers could have already reviewed them and given us an answer in the time you have spend arguing over this issue.

We prefer not to incur any additional time or expense on this issue, and thus politely request again that you please just say whether you will remove the confidentiality designations from 5 documents or not.

Thanks,

Steven

From: Frackman, Andrew [mailto:AFrackman@OMM.com]
Sent: Monday, October 11, 2010 11:36 AM

To: Elizabeth G. Eager; Elias, Brad
Cc: Steven J. Rosenwasser
Subject: RE: TASER/ BAS and ML Confidentiality Designations

Now, Elizabeth, what filing is so urgent that you cannot accommodate Brad until he returns to the office? And, why did you sandbag us by not mentioning this on Friday when we were all together?

Andy

From: Elizabeth G. Eager [mailto:eager@bmelaw.com]
Sent: Monday, October 11, 2010 11:27 AM
To: Elias, Brad
Cc: Frackman, Andrew; Steven J. Rosenwasser
Subject: RE: TASER/ BAS and ML Confidentiality Designations

Brad,

As you know, during the 26(f) we raised the issue of filings under seal, and noted our concern about the defendants improperly designating documents as confidential and how it is impacting our ability to file documents. We agreed that, until the remand issue is resolved, we would give you notice to remove any confidentiality designations, but indicated that for a variety of reasons it cannot be an extended period of time. Regardless, we intend on making our filing at the appropriate time, and as I hope you can appreciate, we cannot let what we believe to be improper designations change our timing. If you provide a response sufficiently in advance of our filing, we will so note it. If we do not hear anything back, we will simply indicate that you designated it as confidential, we disagree, and as of the filing you had not agreed to remove it.

We hope to hear back from BAS and ML today given that you are not the only attorney on the case and that others (including Andy, Abby, Allen, Jacqueline, Jeffrey, and Mia) have appeared in the case.

Thanks,
Liz

From: Elias, Brad [mailto:belias@OMM.com]
Sent: Monday, October 11, 2010 11:16 AM
To: Elizabeth G. Eager
Cc: Frackman, Andrew
Subject: Re: TASER/ BAS and ML Confidentiality Designations

Liz,

I am traveling on the west coast today, so I will not be able to look at these documents until tomorrow.

If you are in such a hurry to file this pleading, why did you fail to even mention this issue at Friday's Rule 26(f) conference?

Regards,

Brad Elias

From: Elizabeth G. Eager <eager@bmelaw.com>
To: Elias, Brad; Frackman, Andrew
Cc: Steven J. Rosenwasser <rosenwasser@bmelaw.com>

Sent: Sun Oct 10 14:49:31 2010

Subject: TASER/ BAS and ML Confidentiality Designations

Andy and Brad,

Plaintiffs request you remove your confidentiality designations from the following documents:

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Thanks,
Liz

-----Original Message-----

From: Elias, Brad <belias@OMM.com>
To: Steven J. Rosenwasser
CC: Frackman, Andrew <AFrackman@OMM.com>
Sent: Tue Oct 12 15:28:51 2010
Subject: Confidentiality Designations

Steven,

We will agree to de-designate our privilege log as confidential on the condition that Plaintiffs agree to do the same with their log. We will not, however, agree to de-designate the other documents that you identify, which are properly marked confidential in accordance with the protective order that remains in place in this litigation. This should come as no surprise given that you previously requested that we de-designate the document bearing Bates number BAS TSINTL 0000028-30. In denying your request the first time, we provided you a detailed explanation of the basis for the designation, and that explanation applies with equal force today.

Regards,

Brad M. Elias

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New York, NY 10036
belias@omm.com <<mailto:belias@omm.com>>
(212) 326-2248

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